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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,716	01/05/2004	Maarten Joost De Mol Van Otterloo	03530.000004.	2259
5514	7590	03/22/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			PAIK, STEVE S	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2876	
DATE MAILED: 03/22/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,716

Applicant(s)

DE MOL VAN OTTERLOO,
MAARTEN JOOST

Examiner

Steven S. Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-28 and 32-39 is/are allowed.
- 6) ☒ Claim(s) 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/29/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Receipt is acknowledged of the Amendment filed December 29, 2005.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in EPO on January 7, 2003. It is noted, however, that applicant has not filed a certified copy of the 03 000 201.8 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haines et al. (US 6,233,409B1) in view of Clothier (US 2004004073A1).

Re claims 29-31, Haines et al. disclose a component (toner cartridge 36) configured to be incorporated in and removed from an appliance (printer 30; col. 3, ll. 55-58) that can be connected to a user network (col. 4, ll. 43-49), the component comprising a memory storing (memory tag 36; RFID tag) information for identifying the component (col. 3, ll. 34-55).

However, Haines et al. does not specifically disclose a barcode label used to return the component.

Clothier discloses that RFID is similar to barcode technology except using radio frequency instead of optical signals. Attaching a barcode label is much inexpensive than an

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RFID tag when identifying an article or an object. Because of its relatively cheap cost to generate a barcode label compared to other methods such as an RFID tag, it provides economical benefits to users.

In view of Clothier's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ a barcode label in addition to the teachings of Haines due to the fact that a user may gain substantial financial gain by using a barcode label instead of an RFID tag without compromising the desired results from using the barcode label.

Re claim 30, Haines et al. in view of Clothier disclose the component as recited in rejected claim 29 stated above, wherein the information for identifying the component is unique (col. 3, ll. 34-39) to the component.

Re claim 31, Haines et al. in view of Clothier disclose the component as recited in rejected claim 29 stated above, further comprising an access control unit configured (RFID tag is read by an interrogator 55) to allow information stored in the memory to be accessible to the appliance (col. 4, ll. 17-23) in which the component is located.

Allowable Subject Matter

5. Claims 1-28 and 32-39 are allowable.

The following is a statement of reasons for the indication of allowable subject matter: none of the cited prior art of the record teaches, discloses, or fairly suggests the claimed system and method for generating a label to return a component using a plurality of different network and memory device.

Response to Arguments

6. The applicant's argument and remarks along with the amendment filed on December 29 have been fully considered.

7. Applicant's arguments with respect to claims 29-31 have been considered but are moot in view of the new ground(s) of rejection. Claims 29-31 are rejected under 35 U.S.C. § 103 (a) as discussed above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Monday - Friday 5:30a-2:00p (Maxi-Flex*).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven S. Paik
Primary Examiner
Art Unit 2876

ssp